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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,411	04/24/2001	Thomas M. Stephany	82655SLP	5523

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Patent Legal Staff
Eastman Kodak Company
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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,411	STEPHANY ET AL.	
	Examiner	Art Unit	
	Christian La Forgia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-46 have been presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 06 August 2001 was filed before the first office action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

3. The drawings are objected to because they appear to be hand written and the text is unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner first would like to point out that where applicant acts as his or her own lexicographer to specifically define a term of a claim, the written description must clearly define the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). It is unclear what the Applicant means by the phrase “animation service” repeated through all of the claims. The Applicant fails to meet the requirements of defining a term as set forth in the MPEP § 2106. In order to define/redefine a term, the Applicant must do so “with reasonable clarity, deliberateness, and precision” and must “set out his uncommon definition in some manner within the patent disclosure” so as to give one of ordinary skill in the art notice of the change” in meaning. The Applicant fails to clearly, deliberately and precisely define the phrase “animation service.” In addition, the Applicant fails to set out the uncommon definition in the instant application’s disclosure.

6. Claim 3 recites the limitation "providing a requestor with the identifier" in the first limitation. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 4-21 recite the limitation "providing an identity of the requestor" in the first limitation. There is insufficient antecedent basis for this limitation in the claim.

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8. Claims 4-21 recite the limitation "requesting a verification of the image" in the third limitation. There is insufficient antecedent basis for this limitation in the claim.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5, 10-12, 16, 19, 22-24, 28, 31, 32, and 36-40, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0048232 to Murphy et al., hereinafter Murphy, in view of U.S. Patent No. 6,573,897 to Desbrun et al., hereinafter Desbrun.

11. As per claims 1, 3, 4, 22, 31, 32, and 40, Murphy discloses providing a requestor with an identifier, as discussed on page 4, paragraph 56 as the user is given a username and password.

Murphy discloses associating the identifier with an identity of the requestor, as discussed on page 4, paragraph 56 where login data is associated with a distinct profile.

Murphy teaches associating the identity and identifier with the service, as taught on page 4, paragraph 56 where Murphy discloses if the username and password are entered correctly, the user is provided with an interface to the services and information content available on the server.

Murphy discloses using the identity to retrieve the service, as taught on page 4, paragraph 56 where Murphy discloses if the username and password are entered correctly, the user is provided with an interface to the services and information content available on the server.

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Murphy teaches requesting the identifier from the requestor, as shown in Figure 4, block 404, as well as page 4, paragraph 56 where Murphy discusses prompting the user for login data comprising their username and password.

Murphy providing the service to the requestor after verifying the association of the identifier and the identity as taught on page 4, paragraphs 56 and 57 where Murphy discusses providing services after the login is verified.

Murphy does not disclose an authentication procedure to access an animation service.

Desbrun discloses accessing an animation service over a proprietary network in at least column 15, lines 8-38.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a login procedure to access the animation service, as Desbrun states in column 15, lines 8-38 that such a modification would aid in eliminating excessive latency on the network.

12. Regarding claim 2, Desbrun discloses wherein the step of providing the animation service is accomplished electronically (column 15, lines 8-38, i.e. animation is down on a server).

13. Regarding claims 5, 23, 36, 37, and 45, Murphy discloses the step of, prior to providing the service to the requestor, verifying the identity of the requestor (page 4, paragraphs 56 & 57).

14. Regarding claims 10-12, 24, 38, and 39, Murphy and Desbrun do not teach wherein the step of requesting a verification of the image comprises providing an oral statement indicating

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ownership of the image, where the statement is made by the requestor or the subject of the image.

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an oral statement requesting verification of an image, wherein the statement is given by the requestor or the subject of the image, since it is known that people have been giving oral statements of ownership, either by the requestor or the subject of the image, since film development began commercial development in 1878. Date taken from <http://www.photo.net/history/timeline>.

16. Regarding claims 16, 19, and 28, Murphy discloses the step of associating the identity of the requestor with the service (page 4, paragraphs 56 and 57, i.e. services linked to the login data).

17. Claims 6-9, 13-15, 17, 18, 20, 21, 24-27, 29, 30, 33-35, 41-43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Desbrun as applied above, and further in view of U.S. Patent No. 5,490,217 to Wang et al., hereinafter Wang.

18. Regarding claims 6, 7, and 24, Murphy and Desbrun do not disclose wherein the step of requesting a verification of the image comprises providing a signed statement indicating ownership of the image, and wherein the signed statement is notarized.

19. Wang teaches wherein the step of requesting a verification of the image comprises providing a signed statement indicating ownership of the image, and wherein the signed statement is notarized (column 1, lines 6-17).

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20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a notarized signed copy of ownership, since Wang states at column 2, lines 1-19 that such a modification provides for efficient document exchange.

21. With regards to claims 8 and 9, Wang discloses wherein the signed statement is signed by the requestor, who is the subject of the image (column 1, lines 26-41, i.e. human input).

22. Regarding claims 13, 25, 33, and 41, Murphy and Desbrun do not disclose the step of associating the verification of the image with the animation service.

23. Wang discloses the step of associating the verification of the image with the service (Figure 3, column 4, lines 3-19).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to associate the verification with the service, since Wang states at column 2, lines 1-19 that such a modification provides for efficient document exchange.

25. With regards to claims 14, 15, 17, 18, 20, 21, 26, 27, 29, 30, 34, 35, 42, 43, and 46, Wang discloses wherein the step of associating the verification of the image is accomplished by embedding the verification of the image to the animation service (Figure 3, column 4, lines 3-53).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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27. The following patents are cited to further show the state of the art with respect to animation services, such as:

United States Patent No. 6,684,243 to Euget et al., which is cited to show a login procedure.

United States Patent No. 6,826,696 to Chawla et al., which is cited to show a single sign-on procedure.

United States Patent No. 6,366,991 to Garfinkle et al., which is cited to show film development.

United States Patent No. 6,788,800 to Carr et al., which is cited to show authenticating objects using embedded data.

United States Patent No. 5,898,779 to Squilla et al., which is cited to show a photographic system with selected area image authentication.

United States Patent No. 5,841,886 to Rhoads, which is cited to show security system for photographic identification.

United States Patent No. 6,539,481 to Takahashi et al., which is cited to show resource reassignment.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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